REMARKS

The Office Action dated February 25, 2006 has been reviewed, and reconsideration and withdrawal of the rejections included therein are respectfully requested.

Claims 12-21 stand rejected as indefinite under 35 USC §112. In response, Claim 12 is amended herein in a manner believed to overcome this rejection. Claims 14 and 21 are also amended solely for clarification purposes.

Claims 12-20 stand rejected under 35 USC §102 as anticipated by WO 98/38391, and Claims 12 and 21 also stand rejected under 35 USC §103 as obvious in view of Hilfiker (U.S. Patent No. 5 076 735) and the '391 publication.

With respect to the anticipation rejection of Claims 12-21 in view of '391, Claim 12 as presented is believed to distinguish over '391. More specifically, Claim 12 recites "the front wall being connected in an articulated manner at one of its end edges at least, to an edge of the lower wall or the upper wall" (emphasis added). In contrast, the element 1 of '391 is formed of a continuous wire-netting panel without any horizontal joints (emphasis added-see the paragraph bridging pages 5 and 6 of '391). Further, metal bars 2, 3 define "bend lines" which divide the intermediate portion 101 from end portions 201 and 301, which bars function to reinforce the netting and define predetermined bend lines (see the second full paragraph on page 6 of '391). Thus, the arrangement disclosed in '391 clearly is bent at the site of installation to form the resulting restraining element. This construction, as discussed on page 1 of the instant application, requires scaffolding to be erected at the site in order to carry out the manual folding of the wire netting, resulting in increased labor at the work site and, in some situations, imprecise installation due to the complexity thereof.

The respective wall portions disclosed in '391 accordingly are clearly not connected to one another in an "articulated manner" as required by Claim 12. As stated

above, the element 1 in '391 includes no joints, and is bent at predefined areas at the site to form the resulting stabilizing structure.

In addition, the '391 publication teaches that the element 1 is constructed from a continuous wire-netting panel, preferably of the double-twist type with a hexagonal mesh. In contrast, Claim 12 recites the front wall comprises at least one panel of electrically welded wire netting, and lower and upper walls each comprising at least one panel of double-twist hexagonal-mesh wire netting. This construction as recited in Claim 12 provides strength and refinement capability to the front wall which defines the front-most portion of the final reinforced structure, and by constructing the upper and lower walls of double-twisted wire netting panel, provides flexibility and reduced weight to the overall element.

Claim 12 is accordingly believed allowable over '391 for the reasons presented above. Claims 13-20 depend from what is believed to be an allowable Claim 12, are believed allowable therewith, and include additional features which further distinguish over '391.

With respect to the obviousness rejection of Claims 12 and 21 in view of '391 and Hilfiker '735, it is submitted that while both references admittedly pertain to soil reinforcing structures, one of ordinary skill in the art would still not be motivated to combine the teachings of the two references. Specifically, the '735 reference discloses a reinforcing structure defined by upwardly-opening rock-filled baskets or gabions, while '391 discloses a reinforcing structure defined by a continuous sheet of wire netting which is bent at the installation site so as to define a channel-shaped restraining element. Accordingly, the two arrangements are structurally completely different from one another, and thus one would not look to the '391 reference for solutions to any perceived shortcomings of the '735 reference, or vice-versa.

In addition, Claim 12 recites "a front wall with at least one panel of electrically welded wire netting, a lower wall

and an upper wall each comprising at least one panel of double-twist hexagonal-mesh wire netting". The Examiner appears to have taken the position that the '735 reference fails to disclose lower and upper walls comprising at least one panel of double-twist hexagonal-mesh wire netting, and that '391 cures this deficiency. The '735 reference discloses that the various panels defining the gabions are all constructed of welded wire mesh. Similarly, '391 discloses that the element is formed of a continuous wire-netting panel of the double-twist type with a hexagonal mesh. There is no mention in '735 of any desirability of forming the front side of the gabions and the upper and lower sides of the gabions of different types of materials as recited in Claim 12. There is likewise no teaching in '391 of providing the front panel of one material and the upper and lower panels of a different material. Accordingly, there is no suggestion in either of the references which would lead one to modify the arrangement of the '735 reference as the Examiner suggests, and it is respectfully submitted that the Examiner is utilizing an improper hindsight analysis to reject the claims.

Further, even if the two references are improperly combined, the instant invention as recited in Claim 12 would not result. In this regard, Claim 12 recites "the front wall being connected in an articulated manner at one of its end edges at least, to an edge of the lower wall or the upper wall". The '391 reference does not disclose such a structure as discussed in detail above. The '735 reference likewise does not include a front wall connected in an articulated manner to an upper or lower wall. Specifically, '735 teaches that the gabions are defined by orienting right-angled panel structures P1,P2 relative to one another so as to define upwardly-opening baskets, with the adjacent mating edges of the respective panels being fixed to one another by threading helical coils H around the wires which extend along the mating edges. The upwardly-opening basket, after being filled with rock, is closed by securing top gridwork G-4 in edge-to-edge

relationship with the top edges of resulting gridworks G-1, G-2 and G-3. The above construction results in a series of rigid cubical baskets, and no mention is made whatsoever of any articulating connection between the front panel of each gridwork in '735 and the adjacent top or bottom panel. In fact, there appears to be no need for such articulation in the structure disclosed in this reference, since same is pieced together at the site from the various panel structures.

Claim 21 is also believed to patentably distinguish over the '735 and '391 references. Claim 21 recites that the "upper wall comprises at least two panels connected to one another in an articulated manner along a common edge substantially parallel to the edges of the front wall". With respect to the '735 reference, top gridwork G-4 (ostensibly corresponding to the "upper wall" of Claim 21 - see Figure 2 of '735) clearly does not include two panels connected to one another in an articulated manner. Instead, gridwork G-4 is a single, rigid and planar panel. Likewise, top portion 201 of '391 includes no such structure, and instead is defined as a single, rigid and planar panel. As discussed above, there is no motivation to combine '735 and '391. However, even if for the sake of argument the references are combined, the instant invention as defined in Claim 21 would not result as neither of the references teach or suggest this structure. Claim 21 is therefore believed allowable.

New Claims 22-33 are added herein, and are believed allowable as presented. Of these new claims, Claims 22, 29 and 32 are independent. Claim 22 is similar to dependent Claim 21 and is believed allowable for similar reasons as presented above.

Claim 29 is directed to an arrangement for forming ground covering, restraining and reinforcing structures, the arrangement including front, lower and upper walls. Claim 29 recites "said front wall and one of said upper and lower walls being separate components from one another and one of said end edges of said front wall being pre-connected to an adjacent

said end edge of said one upper and lower wall to define a freely-articulating joint therebetween, said freely-articulating joint being configured to permit said front wall and said one upper and lower wall to articulate freely relative to one another during installation of said arrangement". The '391 reference as discussed above includes a continuous wire-netting panel without any horizontal joints. Metal bars 2, 3 define predetermined bend lines so as to facilitate bending of the panel at the site of installation. Accordingly, '391 does not teach or suggest providing the front portion 101 and either the top or bottom portion 201, 301 as separate components and pre-connecting same to define any freely-articulating joint between front portion 101 and either top portion 201 or bottom portion 301.

As to '735, same teaches a series of rigid cubical baskets, and no mention is made whatsoever of any articulating connection between the front panel of each gridwork in '735 and the adjacent top or bottom panel. In fact, there appears to be no need for such articulation in the structure disclosed in this reference, since same is pieced together at the site from angled and straight panel arrangements. Claim 29 is therefore believed allowable over '391 and '735, alone or in combination with one another.

Claims 30 and 31 depend from allowable Claim 29, are believed allowable therewith, and include additional features which further distinguish over '391 and '735, alone or in combination with one another.

Claim 32 is directed to a method of making and using an arrangement for forming ground covering, restraining and reinforcing structures, and comprises the steps of (inter alia):

"connecting, at a place of manufacture of the arrangement, an end edge of the front wall to an end edge of one of the lower and upper walls to define an articulating joint therebetween;

after said step of connecting, transporting the arrangement to a desired site requiring ground covering, restraining or reinforcing; and

installing the arrangement at the desired site, and during said step of installing, articulating the front wall and the one upper and lower wall relative to one another at the articulating joint."

The '391 reference discloses no such connecting step which results in an articulating joint at the place of manufacture, since same utilizes a continuous wire-netting panel which is bent at the installation site to form front, top and bottom portions. As to '735, same also discloses no such connecting step, since the top gridwork G-4 is connected to the gridworks G-1, G-2 and G-3 with helical coils H at the installation site. Claim 41 is accordingly believed allowable as presented over '391 and '735, alone or in combination.

Claim 33 depends from what is believed to be an allowable Claim 32, is believed allowable therewith, and includes additional features which further distinguish over the above references.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested.

Respectfully submitted,

Liane L. Churney

LLC/smd

FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

Dale H. Thiel Reg. No. 24 323
David G. Boutell Reg. No. 25 072
Terryence F. Chapman Reg. No. 32 549
Mark L. Maki Reg. No. 36 589
Liane L. Churney Reg. No. 40 694
Brian R. Tumm Reg. No. 36 328
Steven R. Thiel Reg. No. 53 685
Donald J. Wallace Reg. No. 43 977
Kevin L. Pontius Reg. No. 37 512
Sidney B. Williams, Jr. Reg. No. 24 949

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